

City Council Agenda

Council President
Mike Dages

Councilmembers

Tom Boyajian
Brian Calhoun
Jerry Duncan

Henry T. Perea
Cynthia Sterling
Larry Westerlund

City Manager
Andrew T. Souza

City Clerk
Rebecca E. Klisch, CMC

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

April 5, 2005

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. – 4:30 p.m. and re-played beginning at 8:30 p.m.

8:30 A.M. ROLL CALL

Invocation by Jerry Gurland Jones, Principal of Rata Elementary

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of the SPCA Pet of the Month – Councilmember Westerlund

Proclamation of "NATIONAL CRIME VICTIMS' RIGHTS WEEK" – Mayor Autry

Proclamation of "DR PHIL HINTON DAY" (Community Medical Center) – Councilmember Boyajian

Proclamation of "VOLUNTEERS OF AMERICA DAY" – Councilmember Sterling

Special presentation – Councilmember Duncan

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of March 29, 2005

Action Taken:

Councilmember Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **GENERAL CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered immediately following.

- A. Approve the naming of two Parks and Recreation facilities – PR&CS
 - 1. **RESOLUTION** - Approve the naming of the baseball fields at Nielsen Park as “Andrew Mitchell Field”
Action Taken:
 - 2. **RESOLUTION** - Approve the naming of the new Belmont and Sunnyside Park in honor of Al Radka
Action Taken:
- B. **RESOLUTION** – Authorizing acceptance of Fiscal Year 2005 Weed and Seed Grant Program pass through funding of up to \$83,744 from the United Way of Fresno County and execution of program documents – Police Dept.
Action Taken:
 - 1. * **RESOLUTION** – 69th amendment to AAR No. 2004-209 appropriating \$43,400 for the United Way of Fresno County Southeast District Weed and Seed program **(Requires 5 affirmative votes)**
Action Taken:
- C. Authorize the Chief of Police to enter into a Lease Agreement between the City of Fresno and Wayne H. Towne and Frances Towne for office space at 1330 “L” Street, Suite “G” in Fresno, California, for the Police Department Background Unit - Police Dept.
Action Taken:
- D. * **RESOLUTION** - 71st amendment to AAR No. 2004-209 appropriating \$140,000 Community Facilities District No. 2 funds to extend an Interagency Agreement with the Local Conservation Corps (LCC) for the maintenance of landscaping and authorize the Public Works Director or his designee to sign the agreement **(Requires 5 affirmative votes)** - Public Works Dept.
Action Taken:
- E. * **RESOLUTION** - 72nd amendment to AAR No. 2004-209 appropriating \$80,000 for the purchase of a Thermoplastic spray unit **(Requires 5 affirmative votes)** – Public Works Dept.
Action Taken:

CONTESTED CONSENT CALENDAR

2. GENERAL ADMINISTRATION

3. CITY COUNCIL

- A. Report on marketing plan and package for Roeding Business Park – Councilmember Westerlund
Action Taken:
- B. **RESOLUTION** - Amending the Rules and Procedures for City Council to limit Councilmembers to three (3) minutes for reports and announcements under Council reports – Council President Dages
Action Taken:

4. CLOSED SESSION

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, subdivision (a)
1. **Case Name:** California Department of Transportation v. City of Fresno, Spalding G. Wathen, Real Parties in Interest; Superior Court Case No. CECG03559
Action Taken:
- B. **CONFERENCE WITH LABOR NEGOTIATOR** - Government Code Section 54957.6
City Negotiator(s): Jon Ruiz and Ruth F. Quinto
Employee Organization(s):
1. Fresno Police Officers Association (FPOA Management Unit)
Action Taken:

CLOSED SESSION OF THE REDEVELOPMENT AGENCY

- A. **PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT** - Government Code Section 54957
Title: Appointment of Executive Director – Councilmember Calhoun
Action Taken:

CLOSED SESSION ANNOUNCEMENTS (IF ANY)

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 9:00 A.M. A. **SCHEDULED COMMUNICATION –**
- B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.
- 10:00 A.M. **HEARING** to consider Community Facilities District No. 2, Annexation No. 90, Final Tract Map No. 5284
Action Taken:
- a. **RESOLUTION** – Annexing territory to Community Facilities District No. 2, Annexation No. 90, Final Tract Map No. 5284
Action Taken:
- b. **RESOLUTION** – Calling a special mailed-ballot election
Action Taken:
- c. **RESOLUTION** – Declaring election results
Action Taken:
- d. * **BILL** – Levying a special tax for the property tax year 2003-2004 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 90, Final Tract Map No. 5284
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:15 A.M. **HEARING** to consider the adoption of a resolution vacating a portion of N. Forkner Avenue, south of W. Herndon Avenue and reserve a public utility easement over a portion of the area to be vacated – Public Works Dept.

Action Taken:

- a. * **RESOLUTION** - Vacating a portion of N. Forkner Avenue, south of W. Herndon Avenue and reserve a public utility easement over a portion of the area to be vacated

Action Taken:

3:00 P.M. **REZONE APPLICATION HEARINGS – Planning and Development Dept.**

The following rezone applications have been **continued to 4/12/05 at 3:00 p.m.** All applications have been reviewed by the Fresno City Planning Commission for recommendation to the City Council

1. **HEARING** to consider Rezone Application No. R-04-34, and environmental findings, filed by Gary Giannetta Engineering, on behalf of Generation Homes, Inc., pertaining to approximately 34 acres of property located on the northeast corner of N. Polk and W. Clinton Avenues ***(Property located in District 1)***

Action Taken:

2. **HEARING** to consider Rezone Application No. R-04-35, and environmental findings, filed by R.W. Greenwood Associates, Inc., on behalf of Ed Poplin, pertaining to approximately 4.94 acres of property located on the northwest corner of N. Maple and E. Powers Avenues ***(Property located in District 6)***

Action Taken:

3. **HEARING** to consider Rezone Application No. R-04-37, and environmental findings, filed by DMP Land Development Company, pertaining to approximately 20 acres of property located on the north side of E. Jensen Avenue between S. Peach and S. Minnewawa Avenues ***(Property located in District 5)***

Action Taken:

4. **HEARING** to consider Rezone Application No. R-04-51, and environmental findings, filed by Yamabe and Horn Engineering, on behalf of Century Developers, LLC, pertaining to 8.8 acres of property located on the southeast corner of N. Polk and W. Gettysburg Avenues ***(Property located in District 3)***

Action Taken:

5. **HEARING** to consider Rezone Application No. R-04-54, and environmental findings, filed by Lennar Homes Fresno, pertaining to 27 acres of property located on the west side of N. Bryan Avenue between W. Shaw and W. Gettysburg Avenues ***(Property located in District 2)***

Action Taken:

6. **HEARING** to consider Rezone Application No. R-04-57, and environmental findings, filed by Ingles-Braun and Associates, on behalf of Landcastle Real Estate, pertaining to approximately 20 acres of property located on the southeast corner of S. Peach and E. Grove Avenues ***(Property located in District 5)***

Action Taken:

7. **HEARING** to consider Rezone Application No. R-04-61, and environmental findings, filed by Harbison International, Inc., on behalf of PEM Properties, LLP, pertaining to 4.8 acres of property located on the southeast corner of the W. Gettysburg and N. Barcus Avenue alignments, west of N. Cornelia Avenue ***(Property located in District 2)***

Action Taken:

8. **HEARING** to consider Rezone Application No. R-04-65, and environmental findings, filed by Gary Giannetta Engineering, on behalf of Ciao Properties, pertaining to 35 acres of property located on the south side of W. Bullard Avenue, west of the intersection of N. Grantland and W. Bullard Avenues ***(Property located in District 2)***

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

3:00 P.M. REZONE APPLICATION HEARINGS CONTINUED – Planning and Development Dept.

9. **HEARING** to consider Rezone Application No. R-04-77, and environmental findings, filed by Yamabe & Horn Engineering, Inc., on behalf of Cambridge & Lennar Homes, pertaining to approximately 20 acres of property located on the south side of E. Kings Canyon Road between S. Armstrong and S. Temperance Avenues **(Property located in District 5)**
Action Taken:
10. **HEARING** to consider Rezone Application No. R-04-96, and environmental findings, filed by Blair, Church & Flynn Consulting Engineers, pertaining to 0.95 acre of property located on the west side of North Fowler Avenue between E. Belmont and E. McKenzie Avenues **(Property located in District 5)**
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

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| April | 12 - | 8:30 A.M. | Presentation of P.R.I.D.E. Team Certificates (Reception immediately following – 2 nd floor foyer) |
| April | 12 - | 2:00 P.M. | Team Clean Air presentation – Councilmember Calhoun |
| April | 12 - | 2:30 P.M. | WORKSHOP regarding Public Works Dept. and Planning and Development Dept. entitlement application infrastructure requirements |
| April | 12 - | 3:00 P.M. | CONTINUED HEARING re: Rezone Application Hearings – Planning and Development Dept. |
| April | 19 - | 9:30 A.M. | Presentation by the Fresno County Transportation Authority Advocates Office on the education of Measure “C”, 1986 through the present time – Public Works Dept. |
| April | 19 - | 10:00 A.M. | WORKSHOP to consider implementation and use of traffic signal fees and implementation of new Community Facilities District (CFD) – Council President Dages |
| April | 19 - | 10:30 A.M. | HEARING re: CFD No. 2, Annexation No. 88, Final Tract Map No. 5224 |
| April | 19 - | 10:35 A.M. | HEARING to consider information concerning the proposed Issuance of Industrial development Bonds by the California Statewide Communities Development Authority to finance the construction of tempering and drip-dry rooms for the improvement and equipping of Busseto Foods, Inc. |
| April | 19 - | 10:45 A.M. | HEARING to amend the MFS Resolution re: drainage fee update – Public Works Dept. |
| April | 19 - | 11:00 A.M. | HEARING to consider resolution of public use and necessity for the acquisition of permanent easements and rights of way for public street purposes and temporary construction easements from the following parcel of real property located at the intersection of Blackstone and Bullard Avenues |
| April | 19 - | 2:30 P.M. | WORKSHOP regarding T.E.A.M. Clean Air (Public Works Dept.) |
| April | 19 - | 3:00 P.M. | HEARING re: Appeal of Condition for Vesting Tentative Tract Map No. 5298/UGM – Planning and Development Dept. |
| April | 19 - | 4:30 P.M. | CONTINUED HEARING to consider Fresno City Planning Commission decision regarding Conditional Use Permit (CUP) Application No. C-02-226, and environmental findings, filed by Wilkins Enterprises |
| April | 19 - | 5:00 P.M. | The Fancher Creek Development Project |
| April | 26 - | | NO MEETING – COUNCIL BREAK |
| May | 3 - | 9:45 A.M. | Draft 2006-2010 Consolidated Plan. |
| May | 3 - | 10:00 A.M. | Presentation of Employee Service Awards (Reception immediately following – 2 nd floor foyer) |
| May | 3 - | 11:00 A.M. | Direction to staff regarding proposed charter amendments – Councilmember Duncan |
| May | 17 - | 10:00 A.M. | HEARING re: Change of services for Tract 5137, Annexation No. 73 |
| May | 24 - | 10:00 A.M. | HEARING to consider vacation of a portion of Tuolumne Street between the Broadway – Fulton alley and Fulton Street (R.I. 1040-D) – Public Works Dept. |

(Future workshops – dates to be determined)

(June) WORKSHOP – Follow-up discussion regarding Caltrans discussion held 12/7/2004
WORKSHOP – Urban Forest